

**House File 518 - Introduced**

HOUSE FILE 518  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 38)

**A BILL FOR**

1 An Act relating to the disposition of a child with mental  
2 illness or mental retardation in juvenile court.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.51, Code 2011, is amended to read as  
2 follows:

3 **232.51 Disposition of child with mental illness or mental**  
4 **retardation.**

5 1. If the evidence received at an adjudicatory or a  
6 dispositional hearing indicates that the child is mentally  
7 ill, the court may direct the juvenile court officer or the  
8 department to initiate proceedings or to assist the child's  
9 parent or guardian to initiate civil commitment proceedings in  
10 the juvenile court.—~~These and such~~ proceedings in the juvenile  
11 court shall adhere to the requirements of chapter 229.

12 2. If the evidence received at an adjudicatory or a  
13 dispositional hearing indicates that the child is mentally  
14 retarded, the court may direct the juvenile court officer or  
15 the department to initiate proceedings or to assist the child's  
16 parent or guardian to initiate civil commitment proceedings in  
17 the juvenile court.—~~These and such~~ proceedings shall adhere to  
18 the requirements of chapter 222. ~~If the child is committed as~~  
19 ~~a child with mental illness or mental retardation, any order~~  
20 ~~adjudicating the child to have committed a delinquent act shall~~  
21 ~~be set aside and the petition shall be dismissed.~~

22 3. a. If prior to the adjudicatory or dispositional hearing  
23 on the pending delinquency petition, the child is committed  
24 as a child with a mental illness or mental retardation and is  
25 ordered into a residential facility, institution, or hospital  
26 for inpatient treatment, the delinquency proceeding shall  
27 be suspended until such time as the juvenile court either  
28 terminates the civil commitment order or the child is released  
29 from the residential facility, institution, or hospital for  
30 purposes of receiving outpatient treatment.

31 b. During any time that the delinquency proceeding is  
32 suspended pursuant to this subsection, any time limits for  
33 speedy adjudicatory hearings and continuances shall be tolled.

34 c. This subsection shall not apply to waiver hearings held  
35 pursuant to section 232.45.

EXPLANATION

1  
2 This bill eliminates the requirement that a juvenile court  
3 order adjudicating a child to have committed a delinquent  
4 act be set aside and the petition dismissed if that child  
5 is civilly committed for treatment as a child with mental  
6 retardation or mental illness. The bill also provides that  
7 if prior to the adjudicatory or dispositional hearing,  
8 the child is committed as a child with a mental illness  
9 or mental retardation and is ordered into a residential  
10 facility, institution, or hospital for inpatient treatment,  
11 the delinquency proceeding shall be suspended until the  
12 termination of the civil commitment order or the child is  
13 released for purposes of receiving outpatient treatment. If  
14 delinquency proceedings are suspended, any time limits for  
15 speedy adjudicatory hearings and continuances shall be tolled.  
16 This provision does not apply to waiver hearings pursuant to  
17 Code section 232.45.